

MINUTES
TENNESSEE BOARD OF OSTEOPATHIC EXAMINATION
August 25, 2004

A regular meeting of the Tennessee Board of Osteopathic Examination was held in the Cumberland Room located on the Ground Floor of the Cordell Hull State Office Building on August 25, 2004.

Members Present: Jill Robinson, DO; Donald H. Polk, DO; Paul Smith, Jr., DO; Joyce Ann Brown, DO;

Members Absent: Rafael Sanchez, DO and Andy Chagaris

Staff Present: Rosemarie Otto, Medical Board Director, Sheila Bush, Administrator, Marsha Arnold, Manager, Robert Kraemer, Advisory Attorney, Jerry Kosten, Rules Coordinator, Lea Phelps, Disciplinary Coordinator and Ernie Sykes, Advisory Attorney.

The Board convened at 9:15 am, with the Vice-President, Dr. Robinson, presiding. Dr. Robinson determined that a quorum of members was present in order to conduct Board business.

Dr. Robinson welcomed Dr. Joyce Brown, D.O. as the new board member.

Ratify Minutes of Previous Meeting

Dr. Robinson noted that on page three (3) of the May 25, 2004 minutes that Dr. Sanchez was listed as Mr. Sanchez and requested that the minutes be amended. Dr. Brown made a motion to accepted the minutes as amended. Dr. Smith seconded the motion. Motion carried.

Disciplinary Report

The Board reviewed the disciplinary report submitted by Ms. Lea Phelps, Disciplinary Coordinator. Ms. Phelps informed the board that there are 2 licensees on probation that she monitors.

Managers Report

Ms. Marsha Arnold, Manager for the Medical Board gave her report to the Board. Ms. Arnold informed the Board that there are 638 active licensees in the State of Tennessee as of July 2004. There are 24 licensed Midwives and 15 DO X-Ray operators.

Investigative Report

The Board reviewed the investigative report submitted by Ms. Lea Phelps, Disciplinary Coordinator of the Office of Investigations. Ms. Phelps informed the Board that there are 16 cases currently under investigation.

Office of General Counsel Report

Mr. Robert Kraemer read his report to the Board and reported that there were ten open disciplinary cases in the Office of General Counsel and that there were four rules at the Attorney General's Office. Mr. Kraemer also informed the Board of Public Chapters 579, 678, 704, 707, 715, 780, 862, and 944.

Financial Report

The Board reviewed the financial report submitted by Ms. Lisa Tittle, Director of Administrative Services.

Rulemaking Hearing

Jerry Kosten, Rules Coordinator, reported to the Board the fee increase rule from the rulemaking hearing held on August 9, 2004. There were no comments presented at the rulemaking hearing. Dr. Polk questioned why the increase since the Board has no control over the budget. Rosemarie Otto explained that the increase is made to responsibly address the cumulative deficit of the last three years and to head off any attempts by the General Assembly to windup and dissolve the Board. Dr. Polk asked about assessing licensees that come before the Board for disciplinary problems, cost and civil penalties. Ms. Otto informed the Board that there had been a recent case where a civil penalty in the amount of \$6,900 was assessed but the Board voted to waive the penalty. After discussion, Dr. Polk made a motion to accept rules that pertain to the fee increase. Dr. Smith seconded the motion. A roll call vote was taken and all members voted in the affirmation.

Mr. Kosten presented to the Board amendments to Board rule 1050-2-.13 concerning prescription writing and Board rule 1050-2-.20 which pertains to Free Health Clinic and Volunteer Practice Requirements. After review, a motion was made by Dr. Smith and seconded by Dr. Polk to authorize a rulemaking hearing. Motion carried.

Election of Officers

Dr. Polk nominated Dr. Robinson as president to replace Dr. Thomas Ely, D.O. who is no longer on the Board of Osteopathic Examinations. Dr. Smith seconded the nomination. Dr. Smith nominated Dr. Polk for vice-president and secretary. Dr. Brown seconded the nomination. All members voted in the affirmative for both nominations.

Interviews

Dr. Michael Gene Merickel, D.O.- Dr. Merickel was present at the Board meeting at the request of Dr. Polk who had reviewed his application file. Dr. Merickel answered yes to questions 11 (a), 11 (b) and 11 (c) on his application. After discussion, Dr. Polk made a motion to approve Dr. Merickel's application. Dr. Smith seconded the motion. The motion carried.

Dr. Michael Alan Morgenstern, D.O.-Dr. Morgenstern was present at the Board meeting at the request of Dr. Polk who had reviewed his application file. Dr. Morgenstern answered yes to question 11(c) on his application. After discussion, Dr. Polk made a motion to approve Dr. Morgenstern's application. Dr. Smith seconded the motion. The motion carried.

Board Meeting Dates for 2005

The Board of Osteopathic Examiners meetings for the 2005 calendar year as follows;

February 16, 2005

May 11, 2005

August 24, 2005

November 9, 2005

All meetings will be held in the Cumberland Room in the Cordell Hull Building at 9:00am.

The Board meeting scheduled for November 24, 2005 has been changed to December 1, 2004 in the Tennessee Room due to the Thanksgiving holiday.

General Discussion

Rosemarie Otto explained to the Board that a representative is needed to work on the Controlled Substance Database Advisory Committee and the Tennessee Improving Patients Safety (TIPS) Committee. Dr. Smith made a motion to nominate Dr. Polk as the representative to the Controlled Substance Database Advisory Committee. Dr. Brown seconded the motion. The motion carried. Dr. Polk made a motion to nominate Dr. Brown as the representative to the Tennessee Improving Patients Safety (TIPS) Committee. Dr. Smith seconded the motion. The motion carried.

File Review

Dr. James Reid, D.O., file was reviewed by the Board. Dr. Smith made a motion to approve Dr. Reid's application file for licensure. Dr. Polk seconded the motion. The motion carried.

Dr. John Sasinouski, D.O. file was reviewed by the Board. Dr. Robinson made motion to approve Dr. Sasinouski's application file for licensure. Dr. Smith seconded the motion. The motion carried.

Dr. Corey Dean Campbell, D.O. file was reviewed by the Board. Dr. Brown made a motion to approve Dr. Campbell's application file for special training license. Dr. Polk seconded the motion. The motion carried.

Dr. Daniel Peter Kayal, D.O. file was reviewed by the Board. Dr. Polk made a motion to approve Dr. Kayal's application file for licensure. Dr. Brown seconded the motion. The motion carried.

Ratification of New Licenses, Reinstatements and Fail to Renew

Dr. Polk made a motion to ratify the new osteopathic physician licensees, midwife and x-ray operators, reinstatements and failed to renew licenses along with the following that were not on the list; Dr. Jimmy Shaun Smith, D.O., Dr. James Lee Rushford, D.O. and Kim Price-Jenkins, X-Ray (reinstatement). Dr. Smith seconded the motion. The motion carried.

Dr. Polk made a motion to adjourn at 11:40 a.m. Dr. Brown seconded the motion. Motion carried.

Donald Polk, DO, Secretary

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